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6 Attorney for Debtors  
7 LUIS and MARIA SOTO

8 UNITED STATES BANKRUPTCY COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
FRESNO

10 In Re:

11  
12 LUIS SOTO and  
13 MARIA SOTO

CASE NO. 10-19042  
CHAPTER 12

DCN-TOG-5

14 Court \_\_\_\_\_ /

15 DATE: April 7, 2011  
TIME: 10:00 a.m.  
PLACE: U.S. Bankruptcy  
2500 Tulare St., 5<sup>th</sup> Fl., Rm.#11  
Fresno, CA 93721

19 **MOTION TO VALUE COLLATERAL-**  
20 **(NOTE AND SECOND MORTGAGE HELD BY**  
**HOUSEHOLD FINANCE CORPORATION)**

22 Debtors, Luis and Maria Soto, by and through Thomas O. Gillis, their attorney of  
23 record, move the Court to value the collateral securing Debtor's indebtedness to  
24  
25 **Household Finance Corporation to wit, debtors' second deed of trust on the real**  
26 **property located at 20298 Avenue 239, Lindsay, CA.** This motion is based on the  
27 following:  
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1       1. The Debtor values the collateral at \$168,000 (see Declaration of Debtor  
2 filed herein).

3       2. **First Mortgage:** Bank of America holds a note on said property secured  
4 by a valid Deed of Trust. The balance of the note is approximately \$177,000.

5       3. **Second Mortgage:** Household Finance Corporation has recorded a Deed  
6 of Trust securing a note for approximately \$143,512. Said Deed of Trust was recorded  
7 after the Deed of Trust referred to supra.

8       4. The holder of the senior Deed of Trust referred to in #2 is owed an amount  
9 exceeding the value of the property by \$9,000, leaving no equity to secure the second  
10 Deed of Trust referred to in #3 supra.

11       Wherefore, debtors pray that the Court determine the debt of **HOUSEHOLD**  
12 **FINANCE CORPORATION** to be wholly unsecured, and classify the holder of that  
13 debt as a general unsecured creditor.

14       Based on the foregoing, Debtors respectfully request that this motion be granted.

15       Dated: March 7, 2011



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17       THOMAS O. GILLIS  
18       ATTORNEY AT LAW  
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